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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,897	06/26/2003	Michael R. Fender	10030339-1	6585

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

Office Action Summary

Application No.

10/606,897

Applicant(s)

FENDER ET AL.

Examiner

Aditya S. Bhat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-24, 26-33 and 35-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Taraki et al. (USPN 5,898,307).

With regards to claim 21, Taraki et al. (USPN 5,898,307) teaches a method comprising the steps of:

displaying first and a second waveform; (72;figure 8) (99;figure 10) (Figure 2)

displaying a plurality of icons, (Col.3, lines 41-43) each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform (figure 2) (Col.4, lines 8-14)

enabling a user to select one of the plurality of icons (Col. 3, lines 41-42)

enabling a user to mark a first point on the first waveform (Col.4, lines 41-60)
(41,41a; figure 2)

enabling a user to mark a second point on the second waveform (Col.4, lines 41-60) (41,41a; figure 2)

performing a measurement based on the selected icon, the first point on the first waveform and the second point on the second waveform. (Col.1, lines 37-40)

With regards to claims 22, and 29 Taraki et al. (USPN 5,898,307) teach the parameter is one of a setup time, hold time, a time difference and a phase difference. (See figure 2) (Col.1, lines 33-34)

With regards to claims 23 and 30, Taraki et al. (USPN 5,898,307) teach displaying the measured parameter (figure 2)

With regards to claims 24 and 32, Taraki et al. (USPN 5,898,307) teaches user manipulated pointing device comprising one of a mouse, a joystick, a track-ball, a keyboard, a touch-screen, and a touch-pad. (28,29;See figure 1)

With regards to claim 26, Taraki et al. (USPN 5,898,307) teaches receiving first and second signals from device under test, the first signal and second signals corresponding to the first and second waveforms respectively (21,22,23;figure 1) (figure 2)

With regards to claim 27, Taraki et al. (USPN 5,898,307) teaches enabling the user to set a measurement threshold based on a percentage of change of one of the first and second waveforms

With regards to claim 28, Taraki et al. (USPN 5,898,307) teaches a measuring and testing instrument comprising:

a display device configured to display a first waveform, a second waveform, and a plurality of icons, (figure 2) each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform (Col.4, lines 8-14)

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means for receiving user input, (28-29;figure 1) the user input corresponding to a selected first point on the first waveform and a selected second point on the second waveform and a selected icon; (Col.4, lines 8-14) (Col.4, lines 62-66) and

means for measuring a parameter based on the selected icon, the first point, and the second point. (Col.4, lines 8-14)

With regards to claim 31, Taraki et al. (USPN 5,898,307) teaches a pointing device (29;figure 1) allowing a user to select the first point on the first waveform, the second point on the second waveform and one of the displayed icons. (41,41a;figure 2)

With regards to claim 33, Taraki et al. (USPN 5,898,307) teaches the display device is further configured to display a first mark representing the selected first point on the first waveform and a second mark on representing a second waveform. (41,41a;figure 2)

With regards to claim 35, Taraki et al. (USPN 5,898,307) teaches an oscilloscope configured to receive the first and second waveforms from a device under test. (Col. 10, lines 31-33)

With regards to claim 36, Taraki et al. (USPN 5,898,307) teaches a graphical user interface for use with a measurement device the GUI comprising:

a waveform display region for displaying a first waveform and a second waveform (figure 2) and

a toolbar region for displaying a plurality of icons each icon corresponding to a measurement to be performed of a parameter defining a relationship between the first waveform and the second waveform; (32;figure 2) (Col.4, lines 8-11)

wherein by manipulation of a pointing device a first marker is displayed on a first point of the first waveform and a second a waveform is displayed on a second point of the second waveform. (41,41a;figure 2)

With regards to claim 37, Taraki et al. (USPN 5,898,307) teaches an information region for displaying a type of measurement being performed based on a selected icon. (Col.4, lines 8-10)

With regards to claim 38, Taraki et al. (USPN 5,898,307) teaches a result region for displaying results of a measurement (31,31a;figure 2)

With regards to claim 39, Taraki et al. (USPN 5,898,307) teaches the first and second marker are positioned over the first and second waveform (41,41a; figure 2) respectively by a drag and drop process. (Col.4, lines 37-40)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taraki et al. (USPN 5,898,307) in view of Miller et al. (USPN 6,791,545).

With regards to claims 25 and 34, Taraki et al. (USPN 5,898,307) does not appear to teach the markers being similar in appearance to the selected icon.

Miller et al. (USPN 6,791,545) teaches the markers being similar in appearance to the selected icon. (Figure 4) (Col.2, lines 44-45)

It would be obvious to one skilled in the art at the time of the invention to modify the Taraki invention to include the markers that are similar in appearance to the selected icon in order to give a live preview of the corresponding measurement. (Col. 2, lines 19-20)

Response to Arguments

Applicant's arguments filed 02/25/2005 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 21-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Batson et al (USPN 4,821,030) teaches a touchscreen feedback system, Mckaskle et al (USPN 5,481,741) teaches a method and apparatus for providing attribute nodes in a graphical data flow environment, Kodosky et al. (USPN 5,821,934) teaches a method and apparatus providing stricter data type capabilities in a graphical data flow diagram, Debbins et al. (USPN 6,166,544) teaches a MR imaging system with interactive image contrast control.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

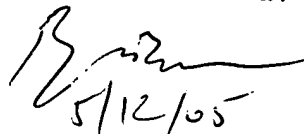
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
May 5, 2005

BRYAN BUI
PRIMARY EXAMINER



5/12/05